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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

<p><b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b></p> <p style="padding-left: 100px;">Plaintiff,</p> <p>v.</p> <p><b>BALLY TOTAL FITNESS CORPORATION,</b></p> <p style="padding-left: 100px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. C-06-2974 JSW</p> <p><b>REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE; DECLARATION OF CINDY O’HARA; [<del>proposed</del>] ORDER</b></p>
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Plaintiff Equal Employment Opportunity Commission (EEOC) hereby request that the case management conference scheduled in the above captioned matter be continued two (2) weeks, from March 23, 2007 to April 6, 2007. This request is being made by Plaintiff EEOC and is not opposed by Defendant Bally Total Fitness Corporation. This request is being made because due to a death in the family of the EEOC Regional Attorney, the Regional Attorney is not available to give final approval to the terms of the consent decree, which the parties intended to lodge with the Court prior to the case management conference, as set forth in the accompanying Declaration of Cindy O'Hara. The requested two week continuance will allow the parties to finalize and lodge the consent decree.

Dated: March 19, 2007

/S/ Cindy O'Hara  
Attorney for Plaintiff EEOC

**DECLARATION OF CINDY O'HARA**

I, Cindy O'Hara, declare:

1. I am an attorney at law, licensed to practice in California, and an attorney of record for Plaintiff Equal Employment Opportunities Commission in this matter.

2. The parties continued the case management conference to March 23, 2007 in anticipation of finalizing and lodging a consent decree resolving this matter prior to that date, thus obviating the need for a case management conference.

3. The parties have negotiated and resolved virtually all provisions of the consent decree.

4. However, before the EEOC can give final approval to the consent decree for filing, it must be approved by the EEOC's Regional Attorney. Said Regional Attorney has had a death in the family, and is presently not available to review the final provisions of the consent decree. As the EEOC's attorney in this matter, I must therefore request an additional two week's continuance, from March 23 to April 6, 2007. I fully anticipate that the parties will be able to finalize and lodge their consent decree with the Court by that date.

5. On March 19, 2007, I spoke with Defendant's counsel Rod Fliegel and explained the above situation. Mr. Fliegel told me that Defendant would not oppose this request for continuance, and that I could so inform the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of March, 2007, at San Francisco, California.

/S/ Cindy O'Hara

**ORDER**

Having reviewed the request and declaration in support thereof, and good cause appearing, **It is hereby ordered** that the March 23, 2007 case management conference is continued to April 6, 2007.

It is so ordered.

Dated: March 22, 2007

  
United States District Court Judge